

REMARKS

Initially, the applicants wish to express their appreciation for the withdrawal of the previous Final Action and for the new non-final action mailed on 30 July.

The applicants have received and reviewed the Official Action mailed by the Office on 30 July 2004, and respond as set forth below.

Independent claims 1, 8, 16, 31, and 44

Independent claims 1, 8, 16, 31, and 44 stand rejected under § 103 as being unpatentable over Castonguay in view of the "Security System" document. The applicants have amended independent claims 1, 8, 16, 31, and 44 as indicated above to recite further features not believed shown or suggested by Castonguay or the "Security System" document. These independent claims and the claims depending therefrom recite various aspects of the shift trading capability of the applicants' invention. More particularly, the claims as amended above recite various aspects of enabling an employee who is posting at least part of his or her assigned shift for acceptance by other employees, to set or establish a parameter governing how long a posted portion of a first employee's work schedule is available for acceptance by the other employees. These aspects of the invention are described in the applicants' specification at least at page 40, lines 5-10, and are now recited in independent claims 1, 8, 16, 31, and 44.

The applicants submit that neither Castonguay nor the "Security System" document disclose or suggest at least the above aspects of the applicants' shift trading capability. While not intending to emphasize unduly any portion of the cited art, the applicants note that while page 2, line 47 of the "Security System" document may mention "swap[ping] shifts" generally, this general reference is not believed sufficient to disclose or suggest the features discussed above and now recited in independent claims 1, 8, 16, 31, and 44. At least on this basis, the applicants submit that Castonguay and the "Security System" document do not support a § 103 rejection of independent claims 1, 8, 16, 31, and 44 as they now stand, as well as all claims depending therefrom. On at least this basis, the applicants request reconsideration and withdrawal of the § 103 rejections of independent claims 1, 8, 16, 31, and 44 and all claims depending therefrom.

## PATENT

Independent Claims 25 and 49, and New Claims 56-59

Independent Claims 25 and 49 stand rejected under § 103 as being unpatentable over Castonguay in view of the “Security System” document. The applicants have amended independent claims 25 and 49 to recite further features of the invention related to generating “sheets”, by which management adjusts or fine-tunes staffing levels in response to workload variations arising after employee schedules are established and distributed to employees. These “sheets” enable employees to either reduce or increase the amount of time they are scheduled to work to compensate for workload variations. After entry of the above amendments, independent claim 25 now recites, in pertinent part (with redlines from above shown):

“modifying said sheet to reflect said sign-up by associating the signing-up employee with the sheet after transmitting the sheet for viewing by the plurality of employees;”

The applicants submit that page 39, lines 1-4 of the originally-filed specification fully supports the above feature under 35 U.S.C. § 112, 1<sup>st</sup> paragraph.

Turning to the cited art, the applicants further submit that neither Castonguay nor the “Security System” document disclose or suggest this above feature. While not intending to emphasize unduly any portion of the cited art, the applicants note that page 2, lines 34-36 of the “Security System” document refers to calling up a list of potential employees when extra people are required. Turning to the claimed invention, however, claim 25 as amended above recites associating an employee who signs-up for a sheet with the sheet after it is transmitted to a plurality of employees. In short, the “Security System” document appears to teach pre-determining or identifying a group of specific employees who may be asked to work, but the applicants submit that this approach does not anticipate or suggest the applicants’ claimed feature of “associating the signing-up employee with the sheet after transmitting the sheet for viewing by the plurality of employees”. To the extent that the “Security System” document associates employees with anything corresponding to the applicants’ claimed “sheets”, the applicants submit that this association occurs before the employees see the “sheets”, not after the employees see the “sheets”, as now recited in claim 25.

On at least the above basis, the applicants submit that the cited art does not support a § 103 rejection of claim 25 and all claims depending therefrom, and request reconsideration and

withdrawal of this rejection. Similar amendments are made above to independent claim 49, and the above comments are equally applicable to claim 49 and all claims depending therefrom.

New claims 56-59 recite further details of the invention that are also believed not disclosed or suggested by the cited art. More particularly, new claim 56 depends from independent claim 25 and recites offering the employees an incentive to accept schedule modifications represented by slots on a sheet. The applicants submit that the originally-filed specification fully supports this feature at least at page 21, line 18 through page 22, line 2. The applicants further submit that the cited art does not disclose or suggest providing or offering employees incentives to accept schedule modifications offered by management. New claim 57 depends from independent claim 49 and recites similar features. New independent claim 58 is modeled on independent claim 25 as it stood before the above amendments, but adds the above incentive feature. New claim 59 depends from claim 58 and recites the features discussed in the preceding paragraph. On at least this basis, the applicants request consideration of and favorable action on these new claims.

The applicants submit that no additional claim fees are due for these new claims because the applicants have previously paid claim fees for a maximum of 52 total claims and 9 independent claims. After entry of the above new claims, the applicants submit that the claim count would stand at 48 total claims and 8 independent claims.

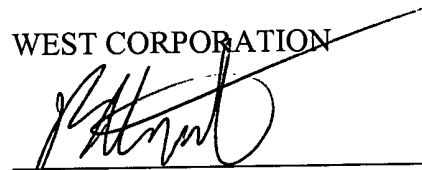
Favorable action on this response is requested at the earliest convenience of the Office.

Respectfully submitted,

WEST CORPORATION

Dated: 28 OCT 04

By: \_\_\_\_\_

  
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